

## ORDINANCE O-1-11

### AN ORDINANCE RELATING TO THE KEEPING OF FOWL

Introduced by Ald. Roush at the recommendation of the Sustainability Board and Plan Commission.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Title 7, SEC. 7-1-16 is created to read as follows:

#### SEC. 7-1-16 KEEPING OF FOWL

**(a) DEFINITIONS.**

- (1) **Fowl.** For the purposes of this section, fowl shall be limited to chickens. Roosters shall not be permitted.
- (2) **Fowl Enclosure.** Any coop, cage, yard, run, cote, hutch, or similar structure or area designed or used to shelter or harbor fowl as defined in this section.

**(b) PERMITS REQUIRED.**

- (1) No person shall own, harbor, or keep any fowl or build, erect, maintain, or use any fowl enclosure within the City without first obtaining a Zoning Permit from the Community Development Department. Applicants shall submit the following information:
  - a. A Zoning Permit application.
  - b. A Zoning Permit fee as established by the Common Council.
  - c. A description of the number and type of fowl to be kept on the property.
  - d. A site plan drawn to scale showing the location and design of the proposed fowl enclosure and any related facilities including but not limited to fencing, mobile enclosures, and food and supply storage areas. The site plan shall show the setbacks and distances of the fowl enclosure in relation to all lot lines, structures, and residential structures located on adjacent properties.
  - e. Any additional information as deemed necessary by the Community Development Department.
- (2) A Zoning Permit shall be approved or denied in writing by the Zoning Administrator within thirty (30) days of application.

**(c) STANDARDS.** Fowl and fowl enclosures permitted under this section shall be subject to the following requirements:

- (1) A Zoning Permit for the keeping of fowl may be granted for owner-occupied residential properties in the R-1 Single Family, R1A Single Family, and R-2 Two Family Residence Districts. No more than one (1) such Zoning Permit shall be granted per property and may only be issued to the owner-occupant.
- (2) All fowl enclosures must be in compliance with the applicable zoning district requirements for accessory structures and the standards of this section.

- (3) Fowl enclosures shall be located in the rear yard area only and setback a minimum of twenty (20) feet from any residential structure on an adjacent lot.
- (4) No more than four (4) individual fowl shall be kept at any property.
- (5) No person shall own, harbor, or keep any fowl which habitually and loudly calls or crows to the great discomfort of the peace and quiet of the neighborhood or in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities.
- (6) Fowl shall be provided regularly with fresh, clean water and food.
- (7) Fowl shall be provided with a covered, protective enclosure and must be kept within the covered enclosure or a fenced enclosure at all times.
- (8) Fowl enclosures shall be designed to meet the following standards:
  - a. Allow for protection from the elements and predators;
  - b. Provide regular access to the outdoors and natural light;
  - c. Provide sufficient space for free movement and behavior.
- (9) All fowl enclosures shall be maintained in a clean, sanitary condition, free from all objectionable odors, and designed to prevent waste from contaminating stormwater runoff.
- (10) Feed shall be stored in secure containers protected from rodents, insects, and other animals.
- (11) No person shall slaughter any fowl outside of a principal structure or accessory building.

**(d) ENFORCEMENT.**

- (1) All fowl enclosures and related premises are subject to inspection by the Zoning Administrator and/or designee.
- (2) The Zoning Administrator and/or designee shall enforce this section in accordance with Sec. 13-1-133.
- (3) Failure to comply with the standards of this ordinance may subject the permit holder to the penalties listed in Sec. 1-1-7 and/or revocation of the Zoning Permit.
- (4) Decisions by the Zoning Administrator and/or designee based on this ordinance shall be subject to appeal to the Board of Appeals.

SECTION 2: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this      day of January, 2011.

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Donald Merkes, Mayor

ATTEST:

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Deborah A. Galeazzi, City Clerk

## Backyard Chicken Keeping Myths and Facts

Adopted from an article by John Harrison, Kim Pray, Ashley Doolittle and Kathryn Chambless

([http://jkheneghan.com/city/meetings/2010/Feb/02092010\\_Planning\\_Backyard%20Chicken%20Keeping%20-%20Myths%20and%20Facts.pdf](http://jkheneghan.com/city/meetings/2010/Feb/02092010_Planning_Backyard%20Chicken%20Keeping%20-%20Myths%20and%20Facts.pdf))

### 1. **Myth: Chickens are noisy.**

**Facts:** The main rule for keeping urban chickens is “NO ROOSTERS ALLOWED.” Hens do not make a ruckus in the morning like their male counterparts and they are fast asleep in their coop by the time the sun goes down. (As you probably know, hens do lay eggs without the aid of a rooster. Roosters are only needed if you want to have fertilized eggs for baby chicks.) Hens make a soft clucking noise that is less noisy than a barking dog or a leaf blower.

### 2. **Myth: Chickens are messy and smelly.**

**Facts:** Chickens themselves do not smell. This is a fact. It is only their feces that has the potential to smell which is also true of feces from dogs, cats, rabbits or any other animal that is outside. A 4-pound laying hen produces 0.0035 cu ft of manure per day. According to FDA, an average dog generates  $\frac{3}{4}$  of a pound of manure a day that cannot be composted because of the harmful bacteria and parasites (hookworms, roundworms and tapeworms) that can infect humans. This waste is considered a major source of bacterial pollution in urban watersheds. Source: <http://www.pacshell.org/projects/petwasteinfo.htm#facts>. Dog waste contains higher concentrations of nitrogen and phosphorus than cows, chickens or pigs and is a major contributor of excessive nutrients that flow into ground and surface waters through runoff from city sidewalks and lawns. Source: [www.csld.edu/Downloads/Sussman\\_2008\\_DogParks.pdf](http://www.csld.edu/Downloads/Sussman_2008_DogParks.pdf).

The reason people fear an odor problem is because their only experience with chickens, if they have any at all, is on a farm or commercial poultry operation. Under these circumstances, hundreds if not thousands of chickens are sometimes kept in crowded conditions with poor ventilation and without proper cleaning. As a result, ammonia can build up and these facilities can stink. There is a huge difference between these environments and the very popular and rapidly growing



hen movement. A backyard chicken coop housing 4 hens does not create the odor issue that is concerning some residents.

**3. Myth: Chickens attract rodents/predators.**



**Facts:** The truth is that rodents already exist in the city and are attracted to any unprotected food source like bird seed, dog food, cat food, open trash cans, fruit trees, and even koi ponds. There are preventative measures (chicken feed containers and coop designs) to nearly eliminate this concern.

**4. Myth: Backyard chickens will decrease property value.**

**Facts:** There is absolutely no evidence that keeping pet hens within the ordinance guidelines would have any effect on property values. This is property rights issue and while it is

necessary to protect neighbors from any potential nuisance, homeowners should have as much freedom as possible with minimal government interference. If property values decreased with backyard chicken keeping, why would major cities like Atlanta, New York, Chicago, Los Angeles, Las Vegas, Denver, and Madison, WI, support backyard chicken keeping?

Urban chicken keepers, like all good pet owners, are concerned about how their chickens might be affecting their neighborhood. They want their chickens to be a positive experience for everyone and they make an effort to keep an open dialog with their immediate neighbors to ensure any concerns or issues are addressed. The American Poultry Association advises that the rights of neighbors must be considered when raising chickens in the city, and that structures and materials used should blend into the neighborhood's existing structures. Actually, chickens can be kept in a yard so inconspicuously, that it may not be apparent that chickens are even around. There are eggs to share, and a chicken coop in the neighborhood can actually be a conversation starter, and thus it can enhance a neighborhood community.

**5. Myth: Chickens will create a health hazard.**

**Facts:** In the US, there is no need at present to remove a flock of chickens because of concerns regarding avian influenza. The U.S. Department of Agriculture monitors potential infection of poultry and poultry products by

avian influenza viruses and other infectious disease agents. **H5N1 virus (Avian Flu) does not usually infect people, but since November 2003, nearly 400 cases of human infection with highly pathogenic avian influenza A (H5N1) viruses have been reported by more than a dozen countries in Asia, Africa, the Pacific, Europe and the Near East. Highly pathogenic avian influenza A (H5N1) viruses have NEVER been detected among wild birds, domestic poultry, or people in the United States. Source: [www.cdc.gov/flu/avian/](http://www.cdc.gov/flu/avian/)**

Research shows that there are actually more diseases that can be spread from dogs and cats than from chickens. Dogs and cats can spread parasites, bacteria, fungi and viruses to humans. Rabies is an example of a viral infection that can be transmitted to people from the saliva or bite of a dog. Cat Scratch Fever is a bacterial infection passed to people by cats. Each year, 25,000 cases are diagnosed in the U.S. Ringworm, a highly contagious fungal infection, can be transmitted to humans by touching an infected animal's fur or skin and is common in cats that roam freely. Roundworm, hookworm, tapeworm and Giardia are intestinal parasites



that can be passed to humans from pet waste. There are also a number of tick-borne diseases that can be brought home from dogs and cats like Lyme disease and Rocky Mountain spotted fever. Chickens can actually keep your yard healthier because they eat ticks and insects.

**6. Myth: A chicken coop is an eyesore.**

**Facts:** City coops are typically small, clean and attractive because people love their pets and live in close proximity to them. Attractive and inexpensive coop designs are available on various websites for those who are not able to build their own. There are many books and websites available on coop construction. Currently, rabbit hutches, dog houses, play sets and workshops are all considered accessory structures and are



legal. Chicken coops are very similar to rabbit hutches in size, design and function and should also be considered accessory structures.

## 7 **Myth: Backyard Chicken keeping is a fad.**

**Facts:** Chickens have been domesticated since 10,000 BC and have played an important part of life ever since. Many of our grandparents had victory gardens and knew how to grow vegetables, can food, and raised their own chickens. But this valuable knowledge seems to have skipped a generation (or two) and we are anxious to bring it back on a smaller scale so that our children will not be so far removed from these basic skills that they think food comes only from the grocery store. Raising hens in the backyard is a tremendous opportunity for parents to teach their children about the responsibility that comes with caring for a pet and because of their small size and friendly demeanor, young children can easily handle hens without the fear of being bitten.

Backyard chicken keeping requires extensive planning and preparation. You can't just go to the pet store to get chickens like a dog or cat or any other pet. It takes a great deal of time to conduct all the research, build a coop, acquire all the necessary feeding and watering supplies and then to finally get the chickens themselves.

## 8 **Backyard Chickens and Sustainability**

Sustainability, even though a broad concept, can best be thought of for our purposes here as an effort to minimize our impact on the resources of the earth. As regards the new urban backyard chicken movement, several outcomes are desired:

### 1. **Better food source for eggs.**

While the nutritional superiority of organic and homegrown eggs vs. conventional store-bought eggs may be debatable, it is certainly true that any harmful effects of antibiotics, hormones, or other chemical additives would be avoided with homegrown eggs.

Anecdotally, those who keep chickens may boast about happier chickens yielding happier eggs, but the growing sustainable and humane food movement has exploded—



organic groceries in the US going from about \$14 billion in 2005 to an estimated \$24 billion in 2010.<sup>2</sup>

2. **Compost/fertilizer.** Chicken manure is a sought after fertilizer, and chicken litter (the wood shavings on the bottom of a chicken coop to absorb droppings) provide a weekly addition of about 3 - 4 pounds of organic material from the average backyard flock of hens. Even if there is no compost pile, chicken droppings or chicken litter may be place directly around trees, shrubs, flowers, vegetables, or other plants as a general organic fertilizer. When chickens are allowed to visit a compost pile, they will perform needed labor: toss the compost pile, shred leaves, and remove unwanted grubs or maggots.
3. **Food waste consumption.** Backyard chickens delight in eating vegetable scraps from the kitchen. All types of fruit and vegetable discards such as apple cores, peelings, stalks, etc., can be diverted to the chickens instead of to the trashcan or garbage disposal. In many cases, it may be preferable to feed such veggie discards to chickens rather than composting them (where they may attract rodents).
4. **Insect and weed control.** If chickens are allowed to roam a small backyard lawn even for a short period, they can perform the useful tasks of weed and insect removal. Weeds with seeds are a prime target for chicken grazing. In the spring chickens will feast especially on dandelions, chick weed, and other low seed-bearing weeds to help the lawn. During the winter, warm-season grass lawns can benefit from chicken grazing since the birds will select out the green weeds in an otherwise brown winter lawn. Similarly, chickens spending a short time in the yard will help rid it of many unwanted insects and grubs. Mosquitoes have reduced chance in shallow water exposed to chickens since the birds will feast on the insects in addition to disturbing the larvae. This "animal" solution to weed and insects would be seen as more sustainable in that pesticides and herbicides could be (and indeed should be) avoided, if the birds have access to a lawn area.
5. **Low impact pet.** Contrary to their commercially raised counterparts, backyard chickens are a decidedly easy to care for "low impact" pet. A two-gallon water supply will last almost a week in average weather (for a flock of six), and chicken feed is, well, as cheap as chicken feed. Typically these are the only resources required once an adequate coop is built. Backyard chickens should not require soaps, chemicals, medicines or other intrusive products. Their nesting material is hay (wheat straw), and a single bale will supply more than enough for the season. In terms of the commercial feed used, it is generally made from leftover animal, soy, and corn meal, commonly mixed without hormone or antibiotic additives.

6. **Potential energy product.** Although not commonly part of the backyard chicken cycle of sustainable events, chicken litter can be used as a fuel source in some types of wood burning stoves. Commercially, chicken litter is pelletized for fertilizer or pellet burning stoves. Should a homeowner have a more advanced "green" heating system, chicken litter could be used in some heating stoves as a supplement.
7. **Flock role in a backyard ecosystem.** Backyard chickens can be part of a larger backyard ecosystem not only in their feeding, grazing, and waste recycling roles, but also by being a component in a symbiotic relationship with other pets, namely dogs. All herding dogs and many other mixed breed dogs gain great pleasure and purpose in watching over backyard chickens, whether they are in the coop or out on the occasional graze. "Guarding" the flock can be perceived as a job and for the herding dog and can distract those hyperactive herding dog from other annoying behaviors. In return, the dogs will definitely deter crows, hawks or other predators from lighting in the yard.

In summary, the raising of backyard chickens yields several bona fide and scientifically demonstrable ways to open the eyes of the average citizen to the world of sustainable behaviors as it provides for a safe source of eating.

## Final Thoughts

*" Chickens suffer from a PR problem. People think they are dirty, noisy and smelly. The truth, a few cared for hens are cleaner and quieter than one big dog or the three neighborhood cats that poop in the flower bed. Plus you get eggs....." The Wall Street Journal*

*FORT COLLINS - The noise over last year's controversial urban poultry farming ordinance has died down with barely a squawk. Since the chicken ordinance went into effect in September 2008, 36 households have acquired chicken licenses. To compare, in the same time period, animal control in Fort Collins responded to 14,314 calls through last Wednesday. Of those, six calls concerned chickens, according to Bill Porter, director of animal control with the Larimer Humane Society. "Not much has happened," Porter said. "There were four calls of complaints from roosters crowing. ... The other two regarded smell and location of the coop, and both cases were unfounded."*  
<http://m.9news.com/news.jsp?key=216227>